

HOUSE BILL 2324
By McMillan

AN ACT to amend Tennessee Code Annotated,
Titles 39, 53, and 63, relative to
prescription drugs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-6-236, is amended by deleting it in its entirety and by substituting instead the following language.

Any written or electronic order for a drug prepared by a physician or surgeon who is authorized by law to prescribe a drug must be legibly printed or typed so that it is comprehensible by the pharmacist who fills the prescription. The written or electronic order must contain the name of the prescribing physician or surgeon; the name and strength of the drug prescribed; the quantity of the drug prescribed, written in both letters and numerals; instructions for the proper use of the drug; the month and day that the prescription was issued, written in letters or in numerals; and in circumstances where a generic equivalent cannot be safely and appropriately substituted for the prescribed drug, instructions regarding generic substitution as required by Title 53, Chapter 10, Part 2. The prescribing physician or surgeon must sign the written or electronic order on the day it is issued unless a drug is dispensed by the department of health or a local health department pursuant to § 63-10-205. Nothing in this section shall be construed to prevent a physician or surgeon from issuing a verbal prescription order.

SECTION 2. Tennessee Code Annotated, Section 53-10-203(b), is amended by deleting the subsection entirely and by substituting instead the following:

(b) If a pharmacist receives a prescription which does not conform to the two (2) line prescription form required by this section, such pharmacist may, in such pharmacist's discretion, dispense any lower price drug having the same generic name as the brand name prescribed, unless the physician indicates "Dispense as Written" or "No Substitution Allowed" in the physician's own handwriting.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, then such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.